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CIA'S ROLE IN SUIT HIT

'Machiavellian' Cleverness Seen In Affidavit

The Central Intelligence Agency yesterday in Federal Court was accused of "usurping the functions of the court and jury" in entering a \$110,000 slander suit.

The statement referred to an affidavit of the deputy director of CIA, claimed to be written with "machivellian cleverness."

Lawyers for Erik Heine, asking damages on the claim that his reputation with the Estonian community was injured, want the judge to allow the case to go to trial.

Dismissal Asked

On the other side, Juri Raus, a Government worker in Prince Georges county, seeks dismissal of the damage claim on grounds that he got his information from the CIA.

Mr. Heine, of Rexdale, Canada, is suing the Maryland resident on the contention that his reputation as a lecturer on anti-communism and his exploits as an Estonian partisan freedom fighter was in jeopardy.

Chief Judge Roszel C. Thomsen

has set a hearing for today on Mr. Raus's petition that the case be dismissed on grounds the comments were privileged.

Through a series of three affidavits, Richard Helms, CIA deputy director, has acknowledged that Mr. Raus was furnished information "to the effect" that Mr. Heine's activities were subject to question.

Letters Displayed

Mr. Helms said the CIA knew the Canadian and told Mr. Raus to repeat the information in his 1963 position as national commander of the Legion of Estonian Liberation, Inc.

Lawyers for Mr. Heine advised the court that Mr. Raus first said he got the information from the Federal Bureau of Investigation.

They displayed letters from J. Edgar Hoover, FBI director, denying the bureau furnished such information and indicating they were not involved in spy activities.

Mr. Heine's lawyers argue that the Estonian commander should take the witness stand and explain whether he was using the FBI as a cover for his CIA work.

"Course Of Employment"

They asked the court to refuse the defense of privilege raised by Mr. Raus just because the CIA

says he was acting in "the course of his employment."

Such a question, they add, is for the court or a jury to determine and should not be passed on by using a CIA affidavit that is not subject to cross-examination.

By trying to keep Mr. Raus off the witness stand, the lawyers assert the CIA was filing affidavits replete with "machivellian cleverness, massive cunning and calculated expediency."

Mr. Heine charges that he was slandered at the time he was showing a film "Creators of Legend" that concerned the 1940 fight to prevent Russia's occupation of Estonia.

Acting As Officer

Earlier papers in the case argue that Mr. Raus made the statements only on privileged occasions to persons privileged to receive them and that no malice was intended.

Privilege further extended because he was acting as an officer of the Estonian liberation movement and exercising his free speech rights under the First Amendment.

Absolute privilege arises from the fact that he was acting for the CIA and a secrecy agreement signed by Mr. Raus was filed in the case.